

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

Q91406

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on _____

Application Number
10/558,389

Filed
November 29, 2005

Confirmation Number: 5714
First Named Inventor
Hajime KONDO

Signature
Typed or
printed name

Art Unit
1762

Examiner
Peter MULCAHY

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

- ☒ The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

CORRESPONDENCE ADDRESS

Direct all correspondence to the address for SUGHRUE MION, PLLC filed under the Customer Number listed below:

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CUSTOMER NUMBER

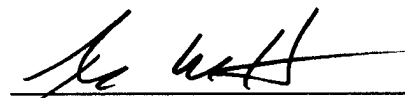
I am the

- ☐ applicant/inventor.

- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
☐ Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

- ☒ attorney or agent of record.
Registration number 64,676

- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

Thomas M. Hunter

Typed or printed name

(202) 293-7060

Telephone number

June 29, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☒ *Total of 1 form is submitted.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q91406

Hajime KONDO

Appln. No.: 10/558,389

Group Art Unit: 1762

Confirmation No.: 5714

Examiner: Peter MULCAHY

Filed: November 29, 2005

For: MODIFIED NATURAL RUBBER OR MODIFIED NATURAL RUBBER LATEX, AND
RUBBER COMPOSITION AND PNEUMATIC TIRE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated March 29, 2011, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue: Claims 5, 7 and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0122134 to Weydert et al.

Appellants respectfully traverse the rejection for the reasons set forth at pages 8-9 in the Amendment filed August 13, 2009 (considered together with the Rule 132 Declaration filed therewith) and at pages 2-3 of the Response filed April 18, 2010 (together with the Rule 132 Declaration submitted therewith) and well as for the following reasons.

The Examiner asserts that Weydert teaches 1-20% of polar monomer grafted to the natural rubber.

Weydert discloses rubber gels including polymeric copolymers grafted with polar unsaturated monomers, wherein the grafted rubber gel may have from 1 to 20 weight percent of its makeup derived from the polar monomers. See, paragraph [0016]. Weydert further discloses that the rubber gels include microgels which are prepared by cross-linking monomers, wherein the cross-linking of the starting products for forming the gels takes place in the latex state, and which rubbers are cross-linked by compounds having at least two C=C bonds. See, paragraphs [0020]-[0022].

In addition, Weydert discloses that the SBR gel shown in Table 1 has a gel content of 96wt% and an average diameter of 50 nm. Moreover, as shown in Table 1, the SBR gel is used in place of silica. In this regard, Appellants note that the properties of the SBR gel are quite different from those of normal SBR.

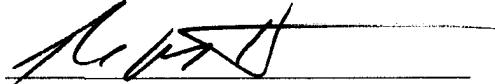
In contrast, an object of the present invention is to improve an affinity of natural rubber with filler, while maintaining the physical properties inherent to natural rubber, which object is attained by graft-polymerizing polar group-containing monomers to natural rubber latex at a low grafting ratio, i.e., 0.01-5.0% by mass.

Weydert does not disclose or suggest the function or effect of using a polar group. Moreover, Weydert fails to disclose or suggest (1) maintaining the physical properties inherent to natural rubber; and (2) graft-polymerizing polar group-containing monomers to natural rubber latex at a grafting ratio of 0.01-5.0% by mass.

For the foregoing reasons, it is respectfully submitted that Claims 5 and 7-8 are not obvious over the cited art.

Accordingly, Appellants respectfully request the reconsideration and withdrawal of the foregoing rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. M. Hunter', is written over a horizontal line.

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Date: June 29, 2011